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Federal Communications Commission  
Office of SecretaryBefore the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Received

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Common Carrier Bureau  
Network Service Division  
Office of the Chief

DA 99-1606

NSD File No. L-99-64

CC Docket: 96-98

In the Matter of )  
Common Carrier Bureau Seeks Comment )  
on the Public Service Commission )  
of Wisconsin's Petition For Delegation )  
of Additional Authority )  
To Implement Number Conservation )  
Measures )

To: Chief, Common Carrier Bureau

COMMENTS OF NEXTEL COMMUNICATIONS, INC.I. INTRODUCTION

Pursuant to the Public Notice of the Federal Communications Commission ("Commission"), 1/ Nextel Communications, Inc. ("Nextel") respectfully submits these Comments on the Public Service Commission of Wisconsin's ("PSC") request for additional authority to implement various number conservation measures that are outside the scope of the PSC's delegated authority. 2/

In the Request, the PSC seeks authority to (a) enforce current code assignment standards or to set and enforce new ones; 3/ (b)

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1/ Public Notice, "Common Carrier Bureau Seeks Comment on the Public Service Commission of Wisconsin's Petition for Delegation of Additional Authority to Implement Number Conservation Measures," DA 99-1606, released August 12, 1999.

2/ Petition of the Public Service Commission of Wisconsin's Petition for Additional Delegated Authority To Implement Number Conservation Measures, filed August 5, 1999 (hereinafter "Request").

3/ Request at pp. 5-6.

order the return of codes;4/ (c) enforce sequential use of numbers within an NXX or a 1,000 block;5/ (d) require carriers to provide number utilization and forecasting data to the PSC;6/ (e) implement unassigned number porting;7/ (f) impose additional rationing measures;8/ and (g) implement mandatory 1,000 block numbering pooling.9/

Nextel submits these comments to oppose the PSC's Request, to the extent discussed below, because its proposals would impose a different set of number assignment and code conservation standards and guidelines in Wisconsin than may be imposed in other states. Imposing a unique set of rules in Wisconsin, particularly while the Commission is considering consistent national policies, would complicate the North American Numbering Plan Administrator's ("NANPA") efforts to implement and direct the code assignment process, and it would create operational complexities for carriers.

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4/ Id. at p. 6.

5/ Id.

6/ Id. at p. 7.

7/ Id.

8/ Id.

9/ Id. at p. 8.

## II. BACKGROUND

In its 1998 decision regarding the Pennsylvania Public Utilities Commission's decision ordering number assignment measures,<sup>10/</sup> the Commission affirmed its earlier conclusion that it has plenary authority over administration of the NANPA pursuant to the Communications Act,<sup>11/</sup> and it delegated only limited authority for states to select among certain code relief alternatives. The PA PUC decision granted states additional authority to order code rationing in narrowly defined circumstances: (a) there is a specific code relief plan in place, (b) the Numbering Plan Area ("NPA") would run out of numbers prior to the implementation of relief, and (c) the industry has been unable to reach a consensus on a rationing plan.<sup>12/</sup> However, other conservation measures, such as number pooling -- whether thousands block pooling or individual telephone number pooling -- were not delegated to the states because "of the activity occurring at the federal level to develop such national standards" for number pooling.<sup>13/</sup> As the Commission stated therein, "[i]f each state commission were to implement its own NXX code administration measures without any uniformity or standards, it would hamper the

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<sup>10/</sup> Memorandum Opinion and Order and Order on Reconsideration, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42 (released September 28, 1998) ("PA PUC Decision").

<sup>11/</sup> See Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) at para. 285.

<sup>12/</sup> PA PUC Decision at para. 24.

<sup>13/</sup> Id. at para. 27.

NANPA's efforts to carry out its duties as the centralized NXX code administrator."14/

Thus, the Commission reaffirmed the demarcation of jurisdiction regarding numbering issues. At the same time, however, the Commission indicated that it would entertain state requests for additional authority to implement conservation measures outside the scope of their delegated authority.15/ The Commission stated that it is "interested in working with state commissions that have additional ideas for innovative number conservation methods that this Commission has not addressed, or state commissions that wish to initiate number pooling trials the implementation of which would fall outside of the guidelines we adopt in this Order."16/ Such requests, however, would have to demonstrate "a proposed conservation method [that] will conserve numbers and thus slow the pace of area code relief, without having anti-competitive consequences. . ."17/

Additionally, as the PSC recognized in its Request,18/ the Commission is considering industry comments on appropriate implementation of number conservation measures at the federal

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14/ *Id.* at para. 33.

15/ *Id.* at para. 31.

16/ *Id.*

17/ *Id.*

18/ Request at pp. 4-5.

level,<sup>19/</sup> national standards that even the PSC recognizes are "optimal" for numbering administration.<sup>20/</sup> After the recent work of the North American Numbering Council ("NANC"), its Number Resource Optimization working group ("NRO") and the Industry Numbering Committee ("INC") to develop nationwide number pooling standards and other code conservation mechanisms, the Commission sought industry comment on the NRO's conclusions and is now accepting further comments on specific proposals to implement the NRO Report. By conducting this investigation at the federal level, the Commission can ensure the adoption of nationwide standards rather than a patchwork of state rules and regulations that would be "impossible" for the NANPA to administer and for carriers to follow.<sup>21/</sup>

### III. DISCUSSION

Despite the PSC's request for additional authority to implement code conservation measures, Nextel reiterates herein that there are numerous avenues open to the PSC to improve efficiencies in the number assignment and utilization process without additional delegated authority. For example, the states already have authority to initiate rate center consolidation that can dramatically reduce code demand by new entrant competitive local exchange carriers and wireless carriers. Rate center consolidation

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<sup>19/</sup> See Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 99-122, released June 2, 1999. Comments were filed on July 30, 1999; replies on August 30, 1999.

<sup>20/</sup> Request at p. 5.

<sup>21/</sup> See PA PUC Decision at para. 33.

can correct a fundamental cause of inefficient number assignment, thereby resulting in the return of unused NXX codes and can reduce the number of requests for new codes. Such measures are helpful in preserving numbering resources and ensuring that they are assigned in an effective and efficient manner. Nor do they interfere with the Commission's attempt to improve the Nation's telephone number assignment process or create significant operational and technical difficulties for multi-state, regional and national carriers.

**A. Pooling Measures**

In the Request, the PSC proposes to implement 1,000 number block pooling.<sup>22/</sup> To the extent that carriers are LNP-capable and can thereby participate in 1,000 block number pooling, the PSC's proposal could improve efficiencies in the code allocation process in Wisconsin. Nextel, therefore, does not oppose the PSC's request to impose 1,000 block number pooling if (a) it is limited only to LNP-capable carriers, and (b) it is not a substitute for area code relief. Because wireless carriers are not LNP-capable and will not be prepared to implement LNP until well after the wireline industry, the PSC must ensure that wireless carriers continue to have access to 10,000 number blocks on a timely basis. Additionally, similar to the mandatory pooling trial in Illinois, the PSC should be required to establish a specific relief plan, i.e., split or an overlay, that can be implemented expeditiously should telephone numbers exhaust despite the use of 1,000 number block pooling.

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<sup>22/</sup> Request at p. 8.

**B. Number Reclamation, Enforcement and Auditing Functions**

Nextel has stated that it believes the NANPA's number assignment process must be improved, and in fact, Nextel has worked with the industry and NANPA to initiate improvements in its data collection procedures. The fact that NANPA's processes have room to improve, however, does not change the fact that the auditing, reporting, allocation and enforcement of telephone number usage all fall within the scope of NANPA's authority. The PSC is attempting to step into the shoes of NANPA and establish Wisconsin's own rules and requirements regarding telephone number assignment. The return of unused telephone numbers, completion of code usage surveys, sequential number assignments and enforcement of code allocation measures all fall within the NANPA's authority. There is no reason, particularly in the midst of the NANC's and the Commission's efforts to improve NANPA's procedures, why the PSC should be allowed to overtake these responsibilities and create inconsistent guidelines for carriers operating in Wisconsin.

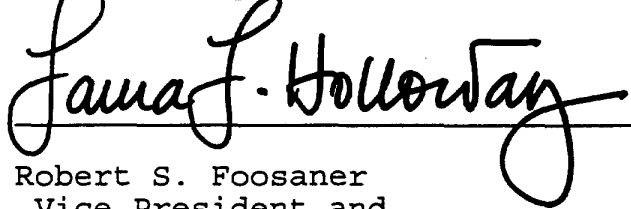
As the Commission has already concluded, allowing states to impose their own requirements could result in a hodge-podge of enforcement guidelines, making it "impossible" for the NANPA to administer the rules and carriers to comply with them. Thus, Nextel urges the PSC to continue focusing its efforts on improving the NANPA's ability to obtain consistent number utilization data for better monitoring, auditing and projected number resource use. These efforts involve important issues of confidentiality and consistency on a national basis. The ongoing federal effort is

considering all of these issues, as well as measures for state access to such information where warranted. Accordingly, the PSC's participation in the ongoing federal proceeding -- rather than a state-by-state departure from the federal requirements -- is the best approach for achieving more efficient number use.

IV. CONCLUSION

To the extent described above, Nextel opposes the PSC's proposals.

Respectfully submitted,

A handwritten signature in black ink, reading "Laura L. Holloway", written over a horizontal line.

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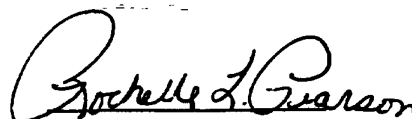


## CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 13th day of September 1999, caused a copy of the attached Comments of Nextel Communications, Inc. to be served by hand delivery to the following:

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